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REMARKS

In the Office Action, the Examiner noted that claims 1-32 are pending in the application and that claims 1-3, 12-15 and 24-29 stand rejected and claims 4-11, 16-23 and 30-32 are objected to. By this response, Applicants have amended Claims 1, 5, 13, 17, 25 and 27. The amendments to the claims are fully supported by the Specification, drawings and claims as originally filed. For example, the amendments to the claims are supported at least by line 21, page 4, through line 8, page 5 of the Specification.

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

ALLOWABLE SUBJECT MATTER

The Examiner has objected to dependent claims 4-11, 16-23 and 30-32 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no art rejection can be applied. The Applicants thank the Examiner for indicating allowable subject matter but believes independent claims 1, 15 and 27, as amended, from which dependent claims 4-11, 16-23 and 30-32 depend, are allowable over the prior art of record for the reasons set forth below. Thus, the Applicants respectfully request that the Examiner's objection to claims 4-11, 16-23 and 30-32 be withdrawn.

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Objections

Specification Objections

Applicants have amended the specification as suggested by the Examiner to overcome his objection because of an informality. As such, the Applicants respectfully request that the Examiner's rejection be withdrawn.

Claim Objections

The Examiner has objected to claims 5 and 17 because of various informalities. In response, Applicants have amended Claims 5 and 17 as suggested by the Examiner. As such, the Applicants respectfully request that the Examiner's objection be withdrawn.

Rejections

35 U.S.C. §102

Claims 1-3, 12-15 and 24-29

The Examiner has rejected claims 1-3, 12-15 and 24-29 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,363,065 to Thornton et al. (hereinafter "Thornton"). The Applicants respectfully traverse the rejection.

The Applicants' independent claim 1 recites:

1. A method, comprising the steps of:
 - receiving a first voice traffic at a Voice over Internet Protocol (VoIP) gateway;
 - determining whether a destination is serviced by a second VoIP gateway;
 - determining whether a second voice traffic is being provided to said second VoIP gateway;
 - multiplexing said first and second voice traffic at said VoIP gateway, responsive to an affirmative determination that said second voice traffic is being provided to said second VoIP gateway; and
 - transporting said multiplexed voice traffic to said second VoIP gateway utilizing a plurality of transport packets, responsive to an affirmative determination that said destination is serviced by said second VoIP gateway.

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"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Thornton reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

Specifically, Thornton fails to disclose at least "determining whether a second voice traffic is being provided to said second VoIP gateway" and "transporting said multiplexed voice traffic to said second VoIP gateway" as recited in the claim as amended.

Thornton discloses a method of operating a network environment having a VoIP gateway that includes a time-division multiplexed (TDM) switch. Thornton discloses that the TDM "provides 'switched' time slot connections and can write data into a desired time slot in a TDM signal appearing at one of the serial outputs from the switch" (column 13, lines 20-22). However, the method of Thornton does not teach or suggest determining if there is already voice traffic being provided to a second VoIP gateway. This is important to the method of the present Application to determine the possibility of increasing the efficiency of transmission to the second VoIP gateway.

Furthermore, in the section of Thornton cited by the Examiner to support Thornton's alleged disclosure of transporting the multiplexed voice traffic to the second VoIP gateway, Thornton in fact only discloses:

Alternatively, if the gateway were to route an outgoing telephony call from a calling device, such as a telephone, computer modem or facsimile machine, connected to the PBX over the private data network (to effectuate a "Voice over IP" or VoIP call) instead of the PSTN, TDM switch 250, based on control information provided by microcontroller 240, connects an incoming time slot for that call, not to a time slot via T1/E1 transceiver/framer 2 and, from there, to an outgoing T1 trunk, but rather, via TDM bus 228, to an input of a DSP then available within DSPs 225 and ultimately to microcontroller 240. Collectively, that DSP and the microcontroller convert the digitized telephony signal for that call into

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suitable IP packets and transmit those packets, with appropriate IP addresses, over the LAN for subsequent carriage over the data network to a peer gateway. The peer gateway receives these IP packets, via the data network and its LAN, and, for each such call, performs the reverse operations to convert these packets back into a digitized telephony signal for that call and then routes this signal to a destination PBX for conversion back to an analog telephony signal and ultimately termination of that signal to a called telephone or other analog telephonic device, such as a computer modem or facsimile machine. Each separate called number has an associated IP address, which ultimately is known to both peered gateways—as will be described in detail later, such that the peered gateways can properly address the IP packets to their unique called destination.

Thus, Thornton does not disclose transporting the multiplexed voice traffic to the second VoIP gateway. The destination of the individual time slots in the multiplexed data of Thornton are not disclosed. Thornton only discloses multiplexing data leaving the first gateway. The multiplexing of Thornton is instead thus directed to handling the volume of data leaving the first VoIP gateway. Thornton is silent with respect to multiplexing together voice traffic headed to a common second VoIP gateway. Thus, Thornton does not teach transporting multiplexed voice traffic, comprising a first voice traffic multiplexed with a second voice traffic, to a second VoIP.

As such, the Applicants submit that independent claim 1 is not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and is patentable thereunder. Moreover, since independent Claims 13, 25 and 27 include relevant limitations similar to those discussed above in regards to Claim 1, Claims 13, 25 and 27 are also not anticipated by Thornton and are patentable under 35 U.S.C. §102. Furthermore, claims 2-3, 12, 14-15, 24, 26 and 28-29 depend, either directly or indirectly, from independent claims 1, 13, 25 and 27 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicants submit that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

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CONCLUSION

Thus, the Applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

2/2/05



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